

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
SPECIAL PUBLIC MEETING MINUTES
DECEMBER 13, 2011
7:00 PM**

Council President Manna called the meeting to order

Flag Salute; Silent Prayer

Sunshine Law: This special meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this special meeting of the Governing Body were sent to *The Record* and *The Ridgewood News*, posted on the Borough website and was filed with the Borough of Dumont.

Roll Call:

Council members: Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present
Mayor McHale-absent

Motion to open to the public: Councilman Carrick

Second: Councilman Stylianou

All in favor.

1. Jim Kelly, 107 E. Linden Avenue, wanted to reiterate what he had said at the last meeting that these resolutions should be tabled until January 1st. He feels that since some of the present governing body will no longer be present it makes sense that the new governing body should review the bids and decide the best course of action for the town.

Motion to close: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Chris Warren, from Alaimo Group, gave a quick overview of the Twin Boro Field remediation and reconstruction project. The bids were opened December 1, 2011. He explained that they work with an LSRP, Drew Waring, a licensed site remediation professional, who is devoted strictly to site remediation. He decides what should be implemented within the guidelines of the Department of Environmental Protection and has to sign off that everything is being done according to the specs for remediation. Mr. Warren passed out figures from the remedial action work plan, which summarizes foundation on the site. In early 2010, Alaimo was asked to look at Twin Boro Field due to chronic settlement problems. They did borings and found that there was a lot of fill. Samples showed that there was contamination. The swim club area was clean.

There are three problems that need to be addressed: drainage, making the site ready for recreational use and remediation. The fill brought in has to be certified clean.

They will be rolling and compacting the whole field. There will not be a problem with settlement after the project. The whole project should take 120 days if they start the beginning of March if the weather is good. The field should not be used for another 120 days.

Councilwoman Zamechansky asked the Borough Attorney what he looks for when he reviews the bids. Mr. Paster explained that there are five fatal flaws according statute.

Mr. Kelly asked whether it is normal for bids to be awarded within two weeks of receiving bids. The answer was yes.

Councilman Carrick responded that the special meeting was actually called to get a more detailed explanation as to what would be involved in the project. This project has been ongoing for about a year and a half. The Council does not have a choice in choosing the bids. The lowest bid is awarded as long as there are no fatal flaws and they are within budget. There will be someone to oversee the project.

Mr. Kelly asked why it was necessary to pay extra for someone to oversee the project.

Councilwoman Zamechansky asked if you can go out for rebid arbitrarily. Mr. Paster responded that if the bid complies and is within budget, you risk the low bidder filing suit.

Councilman Caspare feels it's extremely important to remove the contaminants from the field so that kids can play on a non-contaminated field as soon as possible. They have been working toward this goal for quite a while and shouldn't delay it any longer.

Borough Engineer Dominic Carrino and Ralph Martinez, project manager are present to answer questions about the NJEIT Phase II Flood Control project. This project has been funded for \$2.8 million in construction money and there is \$140,000 in contingency money that the DEP sets aside. The base bid of the lowest bidder, Tomco Construction, after going out to bid a second time, was \$2.37 million and then there were thirteen alternates. Following discussion, it was the consensus of the Council to remove alternates #6-TV Inspection & Pipe Cleaning in the amount of \$96,098 and try to get prices elsewhere and #12 and #13-two garage replacements in the amount of \$67,900, which can be contracted separately at a lower cost. Councilwoman Zamechansky wanted to make sure the garages will be replaced. She was assured that they would be and at a lower price.

Mr. Carrino explained that whatever is awarded would have to be approved by DEP. Hopefully, they would respond within thirty days. He is optimistic that the project could be begin early spring.

There were certain similar items with varied unit prices. Mr. Carrino will speak to the contractor.

Mr. Kelly asked Mr. Carrino for confirmation that when the project is done the water will go into New Milford. Mr. Carrino has had communication with the Borough of New Milford and their engineer. They were satisfied.

Mr. Carrino explained that the DEP and Soil Conservation are both involved. They are invited to the pre-construction meeting.

Councilman Carrick stated that he was not involved in much of Phase I but has been with Phase II. The new-elects will catch part of Phase II and perhaps involved with Phase III. He would like weekly reports on the progress of the project and wanted assurance that the involved homeowners will be notified ahead of time. Mr. Paster stated that prior notification is part of the homeowner's easement agreement.

The Council agreed to wait until December 20th to vote on the resolutions pertaining to the above projects.

Council President Manna read the resolution to go into closed session to discuss litigation-Winant, Licameli, Eckel.

Motion: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to go back into public: Councilman Carrick
Second: Councilman Freeman
All in favor.

Mr. Paster explained that the Council will be voting on Resolution #237 (revised and amended) to include the budget and some other language and #238 will be moved tonight.

Councilman Stylianou stated that they include specific reference to Chapter 25 of the Dumont Borough Code.

Resolution #237 (revised)-Award of Contract to John S. Shahdanian, Esq.-Special Counsel Services

Mr. Shahdanian's firm is approved by MEL.

Councilman Carrick wanted assurance that Councilman Carrick and Councilman Manna would be covered even after they leave office. Mr. Paster responded that covers through completion of litigation and includes for any adverse result and damages of any kind.

Councilman Stylianou suggested that if anyone is so inclined, in addition, they can hire their own counsel.

Motion: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Resolution #238-Award of Contract to Edward J. Florio, Esq.-Special Counsel Services

There was discussion as to what was covered.

Motion: Councilman Carrick

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion to close: Councilman Carrick

Second: Councilman Freeman

All in favor.

Motion to adjourn: Councilman Carrick

Second: Councilman Freeman

All in favor.

Meeting adjourned at 9:55PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk